



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,483	07/12/2001	James M. Avery	SUN-P5493-MDF	3690
28422	7590	04/05/2005	EXAMINER	
HOYT A. FLEMING III P.O. BOX 140678 BOISE, ID 83714			FAROOQ, MOHAMMAD O	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,483	AVERY, JAMES M.	
	Examiner	Art Unit	
	Mohammad O. Farooq	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 March 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-14 and 19-23 is/are allowed.

6) Claim(s) 15-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 July 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/19/04/9/15/01

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed September 15, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Most of the listed non-patent literatures (i.e. other documents) are missing for the above dated IDS and the examiner has drawn a line through them.

Drawings

2. The drawings are objected to because figure 11 and figure 12 lacks pointers or arrows showing the direction of flow for boxes. The figures are confusing as to determining the direction (top-down or bottom-up) of the flow diagram. Further, figure 12 has two consecutive boxes labeled as same (i.e. "Calculating a first autocorrelation vector"). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara, U.S. Pat. No. 5,941,961 in view of Tamura et al. U.S. Pat. No. 5,359,720.

4. As to claim 15, Nakahara teaches method, the method comprising:

- a) receiving a first packet from a first data stream, the first packet containing a first data payload (col. 5, line 42 – col. 6, line 42);
- b) receiving a second packet from the second data stream, the second packet containing a second data payload (col. 5, line 42 – col. 6, line 42);
- c) storing the first packet in a first buffer (i.e. first group; col. 5, lines 18-40); and
- d) storing the second packet in a second buffer (i.e. second group; col. 5, lines 18-40).

Nakahara does not teach first and second packet ID associated with first and second buffer ID. Tamura et al. teach first and second packet ID associated with first and second buffer ID (i.e. check for match/mismatch for valid packet storage; abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Nakahara and Tamura et al. because that would provide performance of high-speed processing irrespective of an occurrence of hashed address conflict (col. 3, lines 48-59).

5. As to claim 18, Nakahara teaches storing the first packet in the first buffer (col. 5, lines 18-40).

Nakahara does not teach first packet associated with a buffer ID that is equal to the first packet ID. Tamura et al. teach first packet associated with a buffer ID that is equal to the first packet ID (abstract). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Nakahara and Tamura et al. because that would provide performance of high-speed processing irrespective of an occurrence of hashed address conflict (col. 3, lines 48-59).

6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara, U.S. Pat. No. 5,941,961 in view of Tamura et al. U.S. Pat. No. 5,359,720 further in view of Erell et al. U.S. Pat. No. 5,778,342.

7. As to claims 16 and 17, neither Nakahara nor Tamural et al. teach selecting first packet based upon the autocorrelation vector and passing the first packet to an output port.

Erell et al. teach selecting first packet (i.e. frame) based upon the autocorrelation vector and passing the first packet to an output port (col. 8, line 66 – col. 9, line 5; col. 10, lines 26-32; item 56, fig. 3). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Nakahara and Tamural et al. with Erell et al. because that would provide selecting a match score which is best in accordance with a predetermined criterion (col. 3, lines 60-64).

Allowable Subject Matter

8. Claims 1-14 and 19-23 are allowed.

Art Unit: 2182

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Mohammad O. Farooq
March 31, 2005